App. F. IX-4

Previous References

P 19E

1935.
(97)

PRESERVED

File No. 407-34
Serial Nos. 1-2

Present

Letter References.

97-407-34(3-4)
97 267-36 CF-37
EF 89-35(1121)
EF 328-35(10)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil

Part B for Dec 35

SUBJECT.

Amendments to certain Articles of the M.C. Act in regard to the procedure to be followed in respect of Warrants of Attachment issued in execution of decrees passed by Courts

No EE 5081—160 dt 16-12-35

(2)

WD 03607—GPB—22,500—2-8-35

To the Heads of offices in the Province, the Registrar, High Court and Collectors.

Approved

General and Revenue Secretariat.

File No. 7 of 193 4.

[App. F. III-2

No. 1 1 33-3 4 3

Even the existing procedure does not appear to be uniform in all the Depts.

2 As an instance, the Regr. G.R.S may be requested to state the procedure followed in the Secretariat.

3 Please discuss.

9.7.35

4 The Registrar may be consulted in the first instance.

12/7/35

Regr. High Court

5 The procedure suggested by the ~~Comptroller~~ requires remittance by R T Rs only in cases in which money is to be sent outside the district. For remittances within the district, the issue of payment orders is suggested. Why a uniform arrangement cannot be adopted in respect of remittances both within and outside the district has to be considered. In British India, R T Rs are not issued for remittances within the district, and the system of cash orders is in vogue. We may issue R T Rs in all cases, and premium ~~has to~~ may also be recovered for all remittances outside the station. If R T Rs are to be issued

why we should wait till the end of the month same is not clear.

6 Whether the procedure suggested by the Comptroller applies also to cases of deductions from bills ~~to be~~ relating to courts situated in the same station, is also not clear.

7 To Comptroller with compliments for favour of remarks.

22-7-35. Financial Secretary

R.O. 21/Apl 17-7-35 2217/35

U.O.No.233/TAD B ii dated 14th September 1935

8 Returned with compliments.

9 2. There is no objection for the issue of Remittance Transfer Receipts even in cases in which money has to be remitted within the District and for charging commission thereon.

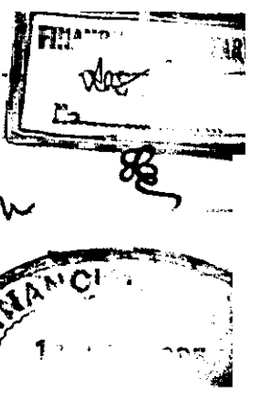
10 3. Remittance Transfer Receipt may be issued as soon as the amount is credited in the Treasuries.

11 4. In the case of Courts situated in the same station, the Treasury Officer may credit the amounts to Judicial Deposits and follow the procedure laid down in Art.227(b) Note 2, Mysore Civil Account Code, volume I.

Comptroller

CV

12 The procedure suggested by the High Court, with the modifications agreed to by



Serial No.

the Comptroller may perhaps be approved. The amount of premium to be collected on such RTRs has also to be fixed. It may perhaps be two annas per cent with a minimum of two annas

Jagne 18/9/35

A

Before sanctioning the proposal, it is desirable to ask the Comptroller to submit a revised draft rule, incorporating the above modifications.

2 18-9-35

H Secy) B 1879/35.

13 A. Yes. The draft rules attached & put up for sanction

18.9.35

B 1879/35.

14 To Comptroller, with compliments, for favour of suggesting revised draft rule

By order,

M Shamanna

19-9-35 2 for Financial Secretary

2.O.H.III 21/9/35

B 30/9/35

U.O.No.337/B.II. Dated 18-10-1935.

15 Returned with compliments.

2.O.347/2/11 22/10/35

16 If the proposal is approved, the following changes in the existing rules are necessary :-

(i) Article 56 of Mysore Civil Account Code, Vol.I - The second sentence in this article is to

FINANCE ... 22 OCT. ... No.....

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

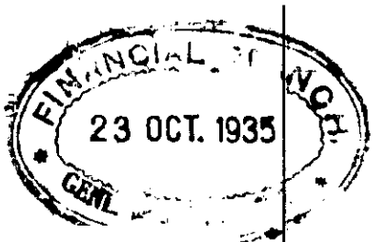
Procedure of Ceasing & Courts for money realised by attachment of pay

Comptroller's Office | G.F. File No. 407 of 1934.

Serial No.

the recovery statements. The treasury should simultaneously send intimation of such credits to the courts concerned together with the statement of deductions received with the bills.

In the case of recoveries on behalf of courts situated outside the station, the treasury officer will issue a crossed remittance transfer receipt for the attached amount in favour of each court concerned and send the same with the statement of deductions, the premium being credited to XIII Miscellaneous - 6 Miscellaneous ".



A. Richardson
Comptroller.

18/10.

17 A draft G.O is put up embodying Sanctioning the Proposed Amendment

24/X

18 H Secy) 24/10/35

Article 56

1) The second sentence of article 56 M C & C Vol I need not, I think, be deleted. The proposed rule may be inserted as sub para or note to Article 56, retaining the second sentence of this Article.

2) In line 5 of the sub para after "Court", the following will have to be inserted:--

"~~bbb~~ showing particulars of the suit, the name of the subordinate whose salary is attached ~~and~~ the amount deducted etc",

Article 227 Note 2 For lines 7 to 14 of the note(as now proposed), the following may be substituted, following the wordings ~~in~~ of the existing Note 2:-

Note— Contn. Sheet.

Serial No.

"In the case of deductions on behalf of courts situated in the same station, the amounts will be credited to judicial deposits direct in the treasury, as soon as they are recovered from the pay bills and intimation of recovery and credit given to the courts concerned the same day, to enable them to note the transactions in the courts registers and for issue to the treasury of a formal receipt order relating to the particular recovery or a general order authorising credit of the amounts as recovered to judicial deposits".

The words "to the concerned court" may be added after "same" in line 19.

To Comptroller with compliments for favour of remarks on the additions proposed above, ~~revised~~ If he is agreeable to these additions, a revised correction slip incorporating them may be submitted to Government for approval.

The issue of R T R at a premium has to be ~~b~~ referred to in Article 175(3) also. Necessary correction slip may be put up.

419/Spl/15/11/35 V. Ramanna Financial Secretary 2/11

2-11-35.

U.O.No.386/TAD B ii dt 14-11-1935

Returned with compliments.

(2) The following consolidated draft of corrections necessary is noted below for approval:

(i) Article 56 of M.C.A.C. Volume I - The following ~~may~~ should be added as a Sub para under this Article:

"Whenever recoveries on account of court attachments are to be effected they should be shown as deductions in the concerned establishment or salary bills and the drawing officers should prepare statements of deductions separately for each Court showing particulars of the suit, the name of the subordinate whose salary is attached and the amount deducted etc and attach them to the bills. In the case of recoveries on behalf of Courts situated outside the station, a premium of Rs.0-2-0 per cent subject to a minimum of Rs 0-2-0 should also be recovered from each individual in addition to the amounts to be credited under judicial deposits in accordance with the procedure prescribed in Art.227."

COM.50.N.1,000.28 3-34

(ii)

2. 0. 11-50
4. 11-35

398/Spl/15/11/35 TAD B ii BR 3816/11 mr BR

FINANCIAL SECRETARY 16 NOV. 35 No.

FINANCIAL C... 18 NOV. 1935 C...

3540

(ii) The following should be substituted for the existing Note (2) under Article 227 of M.C.A.C. Volume I:

"Moneys recovered under Article 56 by treasury officers by deduction from the salary bills of Gover ment officers and also the amounts deducted from the the Establishment pay bills under warrants of attach ments received from Courts should be dealt with as under -

In the case of deductions on behalf of Courts situated in the same station, the amounts will be credited to Judicial Deposits direct in the treasury as soon as they are recovered from the pay bills and intimation of recovery and credit given to the Courts concerned the same day, to enable them to note the transactions in the Courts registers and for issue to the treasury of a formal receipt order relating to the particular recovery or a general ord authorising credit of the amounts recovered to Judicial deposits.

In the case of recoveries on behalf of Courts situated outside the station, the treasury officers will issue a crossed remittance transfer receipt for the attached amount in favour of each court concerned and send the same to the concerned Court with the statement of deductions, the premium being credited to XIII Miscellaneous-6.Miscellaneous."

(iii) The following should be added as Clause (

under Article 175(3):-

"Decreed debts- For remittance of recoveries made from the salaries of Government officers under Court Attachments relating to Courts situated outside the Station Remittance Transfer Receipts at a premium of Rs 0-2-0 per cent subject to a minimum of Rs 0-2-0 may be issued."

A. E. Raghavachar

Comptroller

CV Refer. Paras 196 to 198.

May this amendment be approved?

Subject to Secy's

18/XI

W 18/11

22/11.

Do the Comptroller's Complts for favour of note of approval of the Amendment & return.

22/11/35

NOTE—Contn. Sheet.

5-5-40/21

File No. of 193

General and Revenue Secretariat

Sir,

I have the direction to forward herewith a draft for approval of Government (Ref. Secy) letter No. 3732 dated 27.11.35 which may be approved by Dewan, Thiruchirapalli.

6/12

7.12.35

for 7/12

Dy

9-12-35

Issue

10/12/35

2. for: W: H: 5081-160 of 16.12.35.

Dy. The Heads of Depts:

The Dy: Curator of Dists:

The Comptr:

The Registrar, High Court:

Abstract of the suggestions put forward by the Comptr: in regard to the procedure to be followed in respect of remittance of moneys received from Officers under Warrants of Attachment.

Please place a printed copy in the Register

Recd 9 DEC. 1935

This relates to a change in account procedure & amendment of Civil account code with regard to remittance of moneys received by attachment of salaries. This may be transferred to H. R. for being dealt with.

Sec H.R. we
24/6 [illegible]

G.O. 407-34-1

R. O. C. No. 614
~~D. Dis.~~ 3334
Encl. 200.

FINANCIAL BRANCH
25 JUNE 1935
5540

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 22nd June 1935.

7312 1/34

FROM

A. Sundararaja Rao, Esq., B.A., B.L.,
~~S. Venkata Ranga Iyengar, Esq.~~
Registrar, High Court of Mysore.

To

CHIEF SECRETARY
Prepa
24 JUNE 1935

K.V. Anantaraman, Esq., B.A.,
Offg. Chief Secretary to the Government of Mysore.
Bangalore.

SIR,

I am directed to state that the question having arisen as to the mode of remittance of moneys recovered from Government Officers, whose salaries are drawn on Establishment Bills, under warrants of attachment issued in execution of decrees against them by Courts, so as to prevent monies coming into the hands of Cash Nazirs of Courts, and giving rise to opportunities for defalcations, the Comptroller was consulted on the subject. He has considered the question as put before him by the High Court, and after ascertaining the procedure prevailing in Madras has suggested the adoption of that procedure with some slight modification. The procedure suggested is as follows:- (Vide Comptroller's letter No. T.A.D.B.II 640 dated 29th May 1935 and its enclosure, copies enclosed).

As soon as the orders of attachment of pay of non-gazetted Government servants are issued by the Courts to the head of the office concerned who is responsible to see to the deduction of the amount attached from the Establishment Pay Bill, the head of the office is required to prepare an advice list containing the particulars of the su the name of the subordinate whose salary is attached and the amount deducted and attach the list to the Establishment Bill. At the time o the payment of the bill at the Treasury, the amount deducted is taken b the Treasury to the credit of "Civil Courts Deposits - Attachment Orde Deductions". This deposit account is cleared monthly by the Treasury Officer by issuing a payment order in favour of the Court concerned. In cases in which money is to be sent outside the District, the Treasury Officer continues to hold the amount in deposit and then issues a

remittance

remittance transfer receipt to the Court concerned deducting the necessary premium from the deposit.

3 A remittance transfer receipt is suggested in preference to money orders as there will be no cash transactions and as also the commission charged would be a source of revenue to the Government. By this remittance transfer receipt the Cash Nazir will be given no chance of handling any money which would otherwise be sent by money order.

4 4. In view of the fact that there have been defalcations, for example in the First Munsiff's Court at Mysore, I am to state that the High Court is of opinion that the suggestions of the Comptroller as set out above, may with advantage be accepted. The Rule as it stands regarding the decree amounts to be deposted by private individuals, such as judgment-debtors, does not require any modification, as such persons are required to deposit the money themselves in the Treasury by means of a receipt order obtained from the Cash Nazir.

5 5. I am to request that the Government may be pleased to issue early orders with regard to the adoption of the procedure as set out in the latter portion of the first paragraph above.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

Letter No.T.A.D.B.II.640 dated 29th May 1935, from the Comptroller to the Government of His Highness the Maharaja of Mysore, Bangalore, to the Registrar, High Court of Mysore, Bangalore.

With reference to your letter No.R.O.C.614/33-34 dated 20th/22nd December 1933, 4th October 1934 and 6th December 1934 regarding remittance of money recovered from Government Officers under Warrants of Attachment issued in execution of decrees against them by Courts by deduction from their pay in Salary and Establishment Bills direct to Treasury for being credited to "Judicial Deposits" I have the honour to state that the Deputy Commissioners of Districts who were consulted in the matter are generally agreeable to your suggestions.

2. The Accountant General, Madras, was also consulted in the matter and a copy of his reply is enclosed.

3. On a review of proposals put forward I suggest the adoption of the Madras procedure referred to in para 2 above a "payment order" for transfer adjustment only in Treasury accounts being substituted for "cash order" as we have no system of cash orders in force in Mysore.

4. As the attachments are made on the Establishment Pay Bill itself this procedure will ensure punctual payment of attached amounts into treasuries. The credit of these amounts by transfer into a Deposit Head and the clearance thereof monthly by means of payment orders to the Courts ensures the taking into account by the Court concerned of the attached amounts in its registers.

5. When these payment orders are received by the Courts concerned they may be recredited to the Treasury by transfer to "Judicial Deposits" case numbers etc., being noted again on the

and payments to creditors arranged as at present by Court Cheques

6. With regard to Courts outside the District the Treasury Officers will first credit the amounts to a deposit head and then issue a Remittance Transfer Receipt to the Court concerned deducting the necessary premium from the deposit. A Remittance Transfer Receipt is suggested in preference to Money Orders as there would be no cash transaction ~~at~~ and also the commission charged would be a source of revenue to our Government.

7. If you are agreeable to the aobve procedure, orders of Government regarding the suggested change in procedure may kindly be obtained so that necessary corrections may be introduced into the Mysore Civil Account Code, Volume I, and the forms and the necessary detailed procedure prescribed.

" C O P Y "

Registrar.

Letter No.T.M.15/1111 dated 12th January 1935 from the Accountant General (T.M. Section) Madras, to the Comptroller to the Government of Mysore, Bangalore.

With reference to your letter No.B.II 288 dated 4-1-1935 I have the honor to state that under the Rules in force in this Province orders of attachment of pay and allowances of non-gazetted Government servants are issued by the Courts to the head of the offices concerned who is responsible to see that the amount attached is deducted from the Establishment Pay Bill. The head of the office is required to prepare an advice list containing particulars of the suit, the name of the subordinate whose salary is attached and the amount deducted, and attach the list to the Establishment Bill. At the time of payment of the bill at the Treasury, the amount deducted is taken by the Treasury to the credit of "Civil Courts Deposits-Attachment Order deductions". This deposit account is cleared monthly by the Treasury Officer by issuing a cash order in favour of the Court concerned. In cases in which money is to be sent outside the District, the Treasury Officer withholds payment of money but continues to hold it in deposit and if payment by money order is directed, the cost is deducted from the sum attached. The cash order is sent with a covering memorandum accompanied by the original advice list prepared by the head of office.

" C O P Y "

Registrar.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Letter No. 61h/35-3h dated the 22nd June 1935 from the Registrar, High Court of Mysore, suggesting in consultation with the Comptroller the adoption of a revised procedure in regard to remittance of moneys recovered from Government Officers under warrants of attachment issued in execution of decrees against them by Courts.

2. Correspondence ending with U.O. Note No. 386/T.A.D.Bll dated the 11th November 1935 from the Comptroller to Government in the matter, submitting for approval of Government the following amendments to Mysore Civil Account Code, Volume I:-

(i) Article 96 of Mysore Civil Account Code, Volume I - Insert the following as a sub para under this Article:

Whenever recoveries on account of court attachments are to be effected they should be shown as deductions in the concerned establishment or salary bills and the drawing officers should prepare statements of deductions separately for each court showing particulars of the suit, the name of the subordinate whose salary is attached and the amount deducted etc., and attach them to the bills. In the case of recoveries on behalf of courts situated outside the Station, a Premium of Rs. 0-2-0 per cent subject to a minimum of Re. 0-2-0 should also be recovered from each individual in addition to the amounts to be credited under Judicial deposits in accordance with the procedure prescribed in Article 227.

(ii) Substitute the following for the existing note (2) under Article 227 of Mysore Civil Account Code, Volume I:

Moneys recovered under Article 96 by Treasury Officers by deduction from the salary bills of Government Officers and also the amounts deducted from the Establishment pay bills under warrants of attachments received from courts should be dealt with as under:-

In the case of deductions on behalf of Courts situated in the same station, the amounts will be credited to Judicial Deposits direct in the Treasury as soon as they are recovered from the pay bills and intimation of recovery and credit given to the Courts concerned the same day, to enable them to note the transactions in the Courts registers and for issue to the Treasury of a formal receipt order relating to the particular recovery or a general order authorising credit of the amounts recovered, to Judicial deposits.

In the case of recoveries on behalf of Courts situated outside the station, the Treasury Officers will issue a crossed remittance transfer receipt for the attached amount in favor of each Court concerned and send the same to the concerned Court with the statement of deductions, the Premium being credited to XIII Miscellaneous - 6 Miscellaneous

Miscellaneous

(iii) Add the following as clause (c) under Article 175 (3):-

Banked debts - For remittance of recoveries made from the salaries of Government Officers under Court Attachments relating to Courts situated outside the Station, Remittance Transfer Receipts at a premium of Re. 0-2-0 per cent subject to a minimum of Re. 0-2-0 may be issued.

Order No

Dated, Bangalore, 12th December 1935

The amendments to Mysore Civil Account Code, Volume I suggested by the Comptroller are approved.

The Comptroller is requested to issue necessary instructions to the Treasuries and heads of offices in the matter.

M Shamanna
Secretary to Government,
Financial Department.

To

The Heads of Departments,
The Deputy Commissioners of Districts,
The Registrar, High Court of Mysore,
The Comptroller to Government.

C.T.407-34-2

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read.-

H:f. Letter No. 614/33-34 dated 22-6-35 from the Registrar, High Court, suggesting in consultation with the Comptroller the adoption of a revised procedure in regard to remittance of moneys recovered from Government Officers under Warrants of Attachment issued ~~to~~ in execution of decrees against them by Courts.

2. Correspondence ending with U.O. Note

H:6 No. 386/T.A.D.B.ii dated 14-11-1935 from the Comptroller in the matter, submitting for approval of Government the following amendments to M.C.A.C. Vol. I:-

(i) Art. 56 of M.C.A.C. Volume I. ~~should be added~~ insert the following as a sub-para under this Article:-

Whenever recoveries on account of Court attachements are to be effected they should be shown as deductions in the concerned establishment or salary bills and the drawing Officers should prepare statements of deductions separately for each Court showing particulars of the suit, the name of the subordinate whose salary is attached and the amount deducted &c. and attach them to the bills. In the case of recoveries on behalf of Courts situated outside the Station, a premium of Rs. 0-2-0 per cent subject to a minimum of Rs. 0-2-0 should also be recovered from each individual in addition to the amounts to be credited under judicial deposits in accordance with the procedure prescribed in Art. 227.

(ii) ~~The following should be~~ Substituted the following for the existing note (2) under Art. 227 of M.C.A.C. Vol I:

"Moneys

"Moneys recovered under Art. 56 by Treasury Officers by deduction from the salary bills of Government Officers and also the amounts deducted from the Establishment pay bills under warrants of attachments received from Courts should be dealt with as under:-

In the case of deductions on behalf of Courts situated in the same station, the amounts will be credited to Judicial Deposits direct in the Treasury as soon as they are recovered from the pay bills and intimation of recovery and credit given to the Courts concerned the same day, to enable them to note the transactions in the Courts registers and for issue to the Treasury of a formal receipt order relating to the particular recovery or a general order authorising credit of the amounts recovered, to Judicial deposits.

In the case of recoveries on behalf of Courts situated outside the station, the Treasury Officers will issue a crossed remittance transfer receipt for the attached amount in favour of each Court concerned and send the same to the concerned Court with the statement of deductions, the premium being credited to XIII Miscellaneous - 6, Miscellaneous."

(iii) The following ~~should be added~~ as Clause (c) under Art. 175 (3):

"Decreed debts - For remittance of recoveries made from the salaries of Government Officers under Court Attachments relating to Courts situated outside the Station, Remittance Transfer Receipts at a premium of Rs. 0-2-0

per

per cent subject to a minimum of Rs. 0-2-0 may be issued."

Order No. Je 5081-160 dated 5-12-1935

16

The amendments to M.C.A.C. Vol. I suggested by the Comptroller are approved.

2. The Comptroller is requested to issue necessary instructions to the treasuries and heads of offices in the matter.

6/12

Financial Secretary to Govt

6-12-35

To

The Heads of Departments
The Dy. Commrs. of Districts
The Registrar, High Court.
The Comptroller to Govt.

S. O. G.

Government of his highness the Maharaja of Mysore.

FINANCIAL DEPARTMENT.

G. O. No. Fl. 5081-160—G. F. 407-34-2, dated 16th December 1935.

Warrants of Attachment.

Approves of certain amendments to Articles 56, 175 and 227 of the Mysore Civil Account Code, Volume I, in regard to the procedure to be followed in respect of —— issued in execution of decrees passed by Courts.

READ—

Letter No. 614—33-34, dated the 22nd June 1935, from the Registrar, High Court of Mysore, suggesting in consultation with the Comptroller, the adoption of a revised procedure in regard to remittance of moneys recovered from Government Officers under Warrants of Attachment issued in execution of decrees against them by Courts.

2. Correspondence ending with U. O. Note No. 386 —T. A. D. B. (ii), dated the 14th November 1935, from the Comptroller to Government in the matter, submitting for approval of Government, the following amendments to Mysore Civil Account Code, Volume I :—

(i) Article 56 of Mysore Civil Account Code, Volume I — Insert the following as a sub-para under this Article :—

Whenever recoveries on account of Court attachments are to be effected they should be shown as deductions in the concerned establishment or salary bills and the drawing officers should prepare statements of deductions separately for each Court showing particulars of the suit, the name of the subordinate whose salary is attached and the amount deducted, etc., and attach them to the bills. In the case of recoveries on behalf of Courts situated outside the station, a premium of Re. 0-2-0 per cent subject to a minimum of Re. 0-2-0 should also be recovered from each individual in addition to the amounts to be credited under judicial deposits in accordance with the procedure prescribed in Article 227.

(ii) Substitute the following for the existing note (2) under Article 227 of Mysore Civil Account Code, Volume I :—

Moneys recovered under Article 56 by Treasury Officers by deduction from the salary bills of Government Officers and also the amounts deducted from the Establishment pay bills under Warrants of Attachments received from Courts should be dealt with as under :—

In the case of deductions on behalf of Courts situated in the same station, the amounts will be credited to Judicial Deposits direct in the Treasury as soon as they are recovered from the pay bills and intimation of recovery and credit given to the Courts concerned the same day, to enable them to note the transactions in the Courts registers and for issue to the Treasury of a formal receipt order relating to the particular recovery or a general order authorising credit of the amounts recovered, to Judicial deposits.

In the case of recoveries on behalf of Courts situated outside the station, the Treasury Officers will issue a crossed remittance transfer receipt for the attached amount in favour of each Court concerned and send the same to the concerned Court with the statement of deductions, the premium being credited to " XIII Miscellaneous—6. Miscellaneous."

(iii) Add the following as clause (c) under Article 175 (3) :—

" Decreed debts — For remittance of recoveries made from the salaries of Government Officers under Court Attachments relating to Courts situated outside the station, Remittance Transfer Receipts at a premium of Re. 0-2-0 per cent subject to a minimum of Re. 0-2-0 may be issued."

ORDER NO. FL. 5081-160—G. F. 407-34-2, DATED BANGALORE, THE 16TH DECEMBER 1935.

The amendments to Mysore Civil Account Code, Volume I, suggested by the Comptroller are approved.

The Comptroller is requested to issue necessary instructions to the treasuries and heads of offices in the matter.

S. SHAMANNA,
Secretary to Government,
Financial Department.

To—The Heads of Departments.
The Deputy Commissioners of Districts.
The Registrar, High Court of Mysore.
The Comptroller to Government.

Exd.—C. K.

WD 1167—GPB—2,175—28-12-35